

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEWAYNE MCQUEEN, Individually and On behalf
of a Class of All Others Similarly Situated, and RAY
CEDENO, Individually and On behalf of a Class of All
Others Similarly Situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE
COMMISSIONER DERMOT SHEA, Individually and
in his Official Capacity, POLICE OFFICER PETER
RUOTOLO, Individually and in his Official Capacity,
POLICE OFFICER OMAR ELTABIB, Individually
and in his Official Capacity, and NEW YORK CITY
POLICE OFFICERS JOHN AND JANE DOES,

Defendants.

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**NOTICE OF MOTION
TO DISMISS UNDER
FRCP 12(B)(1) AND
12(C)**

20 CV 4879 (BMC)

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of their Motion to Dismiss and in Opposition to Plaintiffs' Motion for Class Certification, Defendants the City of New York, Police Commissioner Dermot Shea, Police Officer Peter Ruotolo, and Police Officer Omar Eltabib, by their attorney, Georgia M. Pestana, Corporation Counsel of the City of New York, will move this Court before the Honorable Brian M. Cogan, at the United States District Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, at a date and time to be determined by the Court, for an order pursuant to Rules 12(b)(1) and 12(c) of the Federal Rules of Civil Procedure,

granting the Defendants' motion, dismissing all claims against the Defendants in their entirety, and granting the Defendants such other and further relief as the Court may deem just and proper.

Dated: New York, New York
August 9, 2021

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By: /s/ MGT
Mark G. Toews
Senior Counsel

To: **VIA ECF**
counsel of record